

Assembly Constitutional Amendment

No. 10

**Introduced by Assembly Member Torlakson
(Principal coauthor: Assembly Member Huffman)**

February 11, 2009

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

ACA 10, as introduced, Torlakson. Taxation: Education Finance District: special tax.

The California Constitution conditions the imposition, extension, or increase of a special tax by a city, county, or special district upon the approval of $\frac{2}{3}$ of the voters of the city, county, or special district voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would instead condition the imposition, extension, or increase of a special tax by an education finance district established pursuant to statute upon the approval of a majority of the voters of the district voting on that tax, and would also make conforming changes to related provisions.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California, that the Constitution of the
6 State be amended as follows:

7 First—That Section 4 of Article XIII A thereof is amended to
8 read:

9 SEC. 4. ~~Cities, Counties and special districts, Except as~~
10 ~~provided by paragraph (2) of subdivision (d) of Section 2 of Article~~
11 ~~XIII C, a city, county, or special district, by a two-thirds vote of~~
12 ~~the qualified electors of such district its voters voting on the~~
13 ~~proposition, may impose special taxes on such district a special~~
14 ~~tax within that city, county, or special district, except an ad valorem~~
15 ~~taxes tax on real property or a transaction transactions tax or sales~~
16 ~~tax on the sale of real property within such City, County that city,~~
17 ~~county, or special district.~~

18 Second—That Section 2 of Article XIII C thereof is amended
19 to read:

20 SEC. 2. ~~Local Government Tax Limitation.~~ Notwithstanding
21 any other provision of this Constitution:

22 (a) ~~All taxes~~ Any tax imposed by any local government ~~shall be~~
23 ~~deemed to be~~ is either a general taxes tax or a special taxes tax.
24 ~~Special purpose districts A special district or agencies agency,~~
25 ~~including a school districts, shall have district, has no power~~
26 ~~authority to levy a general taxes tax.~~

27 (b) No local government may impose, extend, or increase any
28 general tax unless and until that tax is submitted to the electorate
29 and approved by a majority vote. A general tax ~~shall is not be~~
30 deemed to have been increased if it is imposed at a rate not higher
31 than the maximum rate so approved. The election required by this
32 subdivision shall be consolidated with a regularly scheduled general
33 election for members of the governing body of the local
34 government, except in cases of emergency declared by a unanimous
35 vote of the governing body.

36 (c) Any general tax imposed, extended, or increased, without
37 voter approval, by any local government on or after January 1,
38 1995, and prior to the effective date of this article, ~~shall may~~
39 continue to be imposed only if *that general tax is* approved by a
40 majority vote of the voters voting in an election on the issue of the

1 imposition, which election shall be held ~~within two years of the~~
2 ~~effective date of this article~~ *no later than November 5, 1996*, and
3 in compliance with subdivision (b).

4 (d) ~~No~~ *(1) Except as provided by paragraph (2), a local*
5 ~~government may~~ *shall not* impose, extend, or increase any special
6 tax unless and until that tax is submitted to the electorate and
7 approved by a two-thirds vote. A special tax ~~shall~~ *is not be* deemed
8 to have been increased if it is imposed at a rate not higher than the
9 maximum rate so approved.

10 (2) *An education finance district established pursuant to statute*
11 *may, with the approval of a majority of the voters voting on the*
12 *proposition at an election, impose, extend, or increase a special*
13 *tax within its jurisdiction. A special tax imposed pursuant to this*
14 *paragraph shall not be deemed to have been increased if it is*
15 *imposed at a rate not higher than the maximum rate so approved.*

16 Third—That Section 3 of Article XIII D thereof is amended to
17 read:

18 SEC. 3. ~~Property Taxes, Assessments, Fees and Charges~~
19 ~~Limited.~~ *(a) No* *(a) An agency shall not assess a tax, assessment,*
20 ~~fee, or charge shall be assessed by any agency~~ *upon any parcel of*
21 *property or upon any person as an incident of property ownership*
22 *except:*

23 (1) The ad valorem property tax imposed pursuant to Article
24 XIII and Article XIII A.

25 (2) Any special tax receiving *either* a two-thirds vote pursuant
26 to Section 4 of Article XIII A *or, as applicable, a majority vote*
27 *pursuant to paragraph (2) of subdivision (d) of Section 2 of Article*
28 *XIII C.*

29 (3) Assessments as provided by this article.

30 (4) Fees or charges for property related services as provided by
31 this article.

32 (b) For purposes of this article, fees for the provision of electrical
33 or gas service ~~shall~~ *are not be* deemed charges or fees imposed as
34 an incident of property ownership.